

**UNITED STATES OF AMERICA**  
**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**

Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**RECEIVED**  
**BY MAIL**

APR X 9 2007

**U. S. DISTRICT COURT**  
**EASTERN DISTRICT OF**  
**ST. LOUIS**

Loretta G. Whyte, Clerk  
U.S. District Court  
500 Poydras Street  
Room C-151  
New Orleans, LA 70130

**MEMBERS:**

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
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<http://www.jpmr.uscourts.gov>

April 6, 2007

Re: MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation

(See Attached CTO-90)

Dear Ms. Whyte:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on March 21, 2007. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

**The Panel has ordered that its Rule 1.6(a), pertaining to transfer of files, be suspended for purposes of this litigation. Accordingly, the transferee district clerk shall request, and the transferor district clerk shall forward, only those files deemed necessary by the transferee district court.**

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

  
By \_\_\_\_\_  
Docket Specialist

Attachments

cc: Transferee Judge: Judge Eldon E. Fallon  
Transferor Judges: (See Attached List of Judges)  
Transferor Clerks: (See Attached List of Clerks)

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAR 21 2007

FILED  
CLERK'S OFFICE

**DOCKET NO. 1657**

***BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION***

***IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS  
LIABILITY LITIGATION***

***(SEE ATTACHED SCHEDULE)***

***CONDITIONAL TRANSFER ORDER (CTO-90)***

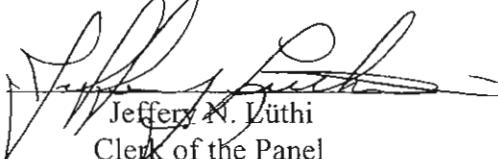
On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 360 F.Supp.2d 1352 (J.P.M.L. 2005). Since that time, 5,963 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

  
Jeffery N. Lüthi  
Clerk of the Panel

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

APR - 6 2007

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**SCHEDULE CTO-90 - TAG-ALONG ACTIONS  
DOCKET NO. 1657  
IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
MARYLAND	
MD 8 07-483	Mattie Cox v. Merck & Co., Inc.
MISSOURI EASTERN	
MOE 4 07-413	Douglas Long, et al. v. Merck & Co., Inc., et al. <i>JCA</i>
MOE 4 07-442	Pauline Nagle v. Merck & Co., Inc. <i>TIA</i>
PENNSYLVANIA EASTERN	
PAE 2 07-636	Mattie Taylor, etc. v. Merck & Co., Inc.
PAE 2 07-637	David Wells, et al. v. Merck & Co., Inc.
PAE 2 07-638	Patrick Ero v. Merck & Co., Inc.
PAE 2 07-639	Lawrence Grayson, etc. v. Merck & Co., Inc.
PAE 2 07-640	Hortense Bryant v. Merck & Co., Inc.
PAE 2 07-831	Maryann Solomon v. Merck & Co., Inc.
PAE 2 07-832	Sandra Heard v. Merck & Co., Inc.
PAE 2 07-833	Della Adkins v. Merck & Co., Inc.
PAE 2 07-917	Gloria Flagg v. Merck & Co., Inc.
PAE 2 07-918	Frank Jones, et al. v. Merck & Co., Inc.
SOUTH CAROLINA	
SC 3 07-637	Betty D. Catoe, et al. v. Merck & Co., Inc.
SC 8 07-472	George R. Francis, Jr. v. Merck & Co., Inc.
WASHINGTON WESTERN	
WAW 3 07-5094	Robert Wiesmann, et al. v. Merck & Co., Inc.